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POLICY ISSUES: EMERGING POLICY ISSUES

Environment and sustainable development

Summary

The present report introduces and elaborates on the concepts of environment and sustainable development, concluding basically that the protection of the physical environment requires full attention and action in all interrelated fields of sustainable development. The report furthermore elaborates on the mandates and practice of the Governing Council and its secretariat in relation to the mandate and practice of the Commission on Sustainable Development (CSD) and the Inter-Agency Committee on Sustainable Development (IACSD). It leads to the conclusion that the United Nations Environment Programme (UNEP), as the principal body within the United Nations system in the field of the environment, should set priorities within the scope of its mandate with a view to avoiding duplication of effort and ensuring that the priorities are met, and focus on issues of the physical environment while also addressing their social, economic and political context. Acknowledging that the proposed Fund programme for 1996-1997 meets these criteria, the UNEP Governing Council is requested to confirm the leadership role of UNEP and its responsibilities in providing policy guidance, coordinating United Nations system activities, and promoting and catalysing action to meet the challenges contained in the Fund programme.

Suggested action by the Governing Council

The Governing Council may wish to:

- (a) Affirm that effective protection of the physical environment requires a broader consideration of issues of sustainable development;
- (b) Recall General Assembly resolution 2997 (XXVII) of 15 December 1972, which grants UNEP Governing Council a mandate to, inter alia, promote international cooperation in the field of the environment, recommend, as appropriate, policies to that end and provide policy guidance for the direction and coordination of environmental programmes within the United Nations system;

(c) Recall also that the same resolution grants the UNEP secretariat a mandate to, inter alia, coordinate, under the guidance of the Governing Council, environmental programmes within the United Nations system and to advise, as appropriate and under the guidance of the Governing Council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes;

(d) Emphasize that since 1972 UNEP has consistently addressed environmental matters in the light of the interrelated issues of sustainable development;

(e) Recall chapter 38 of Agenda 21, in particular, that UNEP is the principal body within the United Nations system in the field of the environment, that there will be a need for an enhanced and strengthened role of UNEP and its Governing Council after the United Nations Conference on Environment and Development (UNCED), and that the Governing Council should, within its mandate, continue to play its role with regard to policy guidance and coordination in the field of the environment, taking into account the development perspective;

(f) Recognize that, in fulfilling its mandate, UNEP must operate with a view to avoiding duplication of work by other agencies;

(g) Recognize further that, taking into account the above, UNEP should set priorities within the scope of its mandate and, to ensure that they are met, must focus on issues of the physical environment, while also addressing their social, economic and political contexts;

(h) Acknowledge that the proposed Fund programme for 1996-1997 is based on the above-mentioned considerations, while focusing on the major challenges in the field of the environment;

(i) Confirm the leadership role of UNEP and its responsibility in providing policy guidance, coordinating United Nations system activities, and promoting and catalysing action to meet these challenges;

(j) Decide to inform the Commission on Sustainable Development accordingly.

I. ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: THE CONCEPTUAL DEBATE

A. From Stockholm to Rio

1. Until a few generations ago, the physical environment was regarded as a somewhat independent self-contained entity. Today, however, human impact on the physical environment has required that that perception be radically re-evaluated. Not only do human beings interfere directly with their natural surroundings, but their social activities have an indirect impact on the global environment as well. Thus, the state of the environment is in large part the collective result of the activities of individuals and institutions. The world's ecology is increasingly influenced by cultural, economic, social and political factors. Such interlinkage was acknowledged at the 1972 Stockholm Conference, which was appropriately named the United Nations Conference on the Human Environment.

2. Although the Stockholm Conference endorsed a comprehensive approach to global environmental issues, that position altered, in practice, in the years following the Conference. The environment was increasingly treated as an isolated entity. Emphasis was placed on technical solutions which, it was believed, could solve existing environmental problems within a reasonably short time. Developing and industrialized countries meanwhile were engaged in a fundamental dialogue on issues relating to poverty and environment which resulted, inter alia, in the Cocoyoc Declaration on Patterns of Resource Use, Environment and Development Strategies, adopted by the participants in the UNEP/United Nations Conference on Trade and Development symposium, held in Cocoyoc, Mexico, from 8 to 12 October 1974.

3. The 1980s marked a shift from curative to preventive action. Yet still, today, the focus of environmental concerns is the need to find solutions to existing environmental problems which continue to increase in seriousness.

4. The UNCED process deserves credit for re-establishing the notion that environment is an integral part of sustainable development and that environmental issues cannot be considered in isolation from their economic, social and political contexts. UNCED emphasized that environmental problems are the consequence of social processes. Emphasis was rightly placed on equity, development and care for nature and natural resources - factors so intertwined that they can only be analysed and managed in an integrated manner.

B. Environment in its context

5. It was acknowledged at UNCED that environmental management is more than a technical issue. Environmental degradation is not usually intentional but, rather the side-effect of actions undertaken to attain other goals. If environmental management is to be more than cleaning up and repairing damage, it must focus on societal goals and on the ways people and organizations try to attain them. Managing the environment is thus a social activity, requiring social skills.

6. In many cases, people have no incentive to take the environmental consequences of their activities into account. Environmental impacts are regretted and as far as possible evaded, but are seldom reason enough to forgo specific activities. It is necessary, then, that people be provided with incentives and alternatives which take environmental consequences into account and encourage them to adjust their behaviour. This cannot be left to self-governing mechanisms within society. The state of the world as a whole is seldom something of direct interest to individuals. Safeguarding collective welfare therefore remains the responsibility of national and international authorities.

C. Environment and economics

7. Economics plays a leading role in societal decision-making. Yet because the physical environment is still a largely uncoded asset, environmental considerations tend to play a marginal role in economic decision-making. The costing of environmental resources is an essential but insufficient means to correct this and, in addition, it would be technically and politically very difficult. The technical difficulty lies in the valuation of nature. The political difficulty lies in the present distribution of economic power - macro and micro - which does not account for a coded environment. Such a costing process would likely be economically detrimental to a number of important actors. These actors would therefore be reluctant to endorse changes, despite agreeing in principle with the necessity for them. Progress in this field can therefore only come from an international organization showing true leadership.

8. Contrary to the thinking of some economists, integration of environmental issues within the economic system is not primarily a technical issue. It concerns ownership rights and distributional matters. It is not enough to face these issues from a traditionally legal or financial point of view. In order for solutions to be lasting and sustainable, they must be equitable and just. Economic theory is not especially equipped for this. These requirements will be hard to realize and will face much resistance.

9. To a certain degree, economic development and social issues appeal to individual interests. This is much less the case for the physical environment as for the third element of sustainable development. Victims of environmental degradation are, on the whole, not readily identifiable - as opposed to victims of inequity or lack of economic development. Arguably, however, the victims are often the same groups within society.

10. Sustainable development is about the needs of present and future generations. However, decisions are made by the present generation and the temptation is to meet current needs at the expense of long-term environmental well-being. The selling of environmental assets enriches the present generation, but will leave future generations worse off. The implication of this could be that environmental considerations are of greater concern to future generations than to the present. It is easy to obtain general agreement on the need to take action to protect the environment, but since almost all actions touch on existing interests, it is often hard to obtain support for specific action. This problem is exacerbated by the fact that short-term costs tend to have more influence than the prospect of long-term benefits.

D. Globalization

11. Chains of cause and effect are becoming increasingly international. Local environmental problems can sometimes be linked to activities on the other side of the world. Yet individual Governments cannot be expected to base their decisions on maximizing global well-being. To address the increasing globalization of environmental issues, it is therefore necessary to coordinate and take initiatives on an international level. It is not enough to focus on international environmental agreements. Attention must be given to the causes of environmental degradation. One of the major focuses should be the globalization of the world economy and the growing importance of trade and the environment.

12. In recent years, attention to global and regional environmental problems - which was virtually non-existent in 1972 - has been growing, although the priority accorded to such problems differs greatly among United Nations Member States. In some cases emphasis is placed on the physical environment, while other aspects of sustainable development are viewed as largely instrumental in attaining a healthy environment. In other parts of the world the emphasis is on economic sustainability and equity. In general, there is a lack of recognition of mutual interests, but also a refusal to accept sustainable development as a comprehensive concept. From a strategic and political point of view, however, environmental management cannot be restricted to the physical environment.

E. Human welfare and the environment

13. The persistence of poverty and sustainable development are not compatible and yet the relationship between poverty and the environment is complex. Reduction of natural resources diminishes opportunities to benefit from the environment and thus contributes to poverty. Conversely, poverty leads to over-exploitation of the physical environment. Beyond a certain level of development, some environmental problems - mostly local and regional - can be dealt with better, but others, mostly related to higher levels of consumption, tend to become worse (acidification, CO₂ emissions, etc.). The higher the level of economic development, the more serious these latter problems usually become. Thus, poverty and affluence both seem to have a negative impact on environmental sustainability.

14. Environmental management is linked to human rights and to democracy, and, therefore, to access to resources. It thus relates to poverty alleviation and justice. Ecological preservation is also linked to culture, in particular the traditional livelihoods and productive practices of indigenous people. Although natural factors are significant, most environmental emergencies are either socially, economically or politically driven. Ecological conflicts are increasingly becoming political issues which require the establishment of new policies for the sustainable and equitable management of natural resources.

F. Environment and sustainable development

15. In the final analysis, any division between environment and sustainable development is artificial. The environment cannot be managed in isolation. It touches upon all aspects of life. Working on a healthy environment means addressing sustainable development as a whole.

II. ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: INSTITUTIONS AND MANDATES

A. UNEP and sustainable development

1. The 1972 mandate

16. As the product of and successor to the 1972 United Nations Conference on the Human Environment held at Stockholm, UNEP is the principal environmental body within the United Nations. The Action Plan for the Human Environment divided the recommendations made at the Conference into three components, according to function:

Environmental assessment (Earthwatch)

- evaluation and review
- research
- monitoring
- information exchange;

Environmental management: functions designed to facilitate comprehensive planning that takes into account the side-effects of man's activities and thereby to protect and enhance the human environment for present and future generations;

Supporting measures: relates to measures required for the activities of the other two categories:

- education, training and public information
- organizational arrangements
- financial and other forms of assistance.

17. The mandate granted to the Governing Council of UNEP and to the environment secretariat in General Assembly resolution 2997 (XXVII), taking note of the report of the Secretary-General on the United Nations Conference on the Human Environment, focuses on assessment of the state of the world environment, provision of policy guidance, coordination of environmental activities within the United Nations system as well as the catalysing of environmental protection on a broader scale, including the promotion of cooperation and of environmental knowledge and information.

2. Translation into practice

18. The complicated interrelationship between the human and the physical environment was emphasized in the Cocoyoc Declaration, which resulted from the UNEP/UNCTAD symposium held in Mexico in 1974. The Declaration identified the economic and social factors inherent in environmental degradation, the limits of resources and the rising pressures on them.

19. From its inception, the UNEP secretariat has recognized and taken account of the interrelationship between environment and development. In the foreword to the UNEP report, "Environmental Perspective to the Year 2000 and Beyond", adopted by the General Assembly by its resolution 42/186 of 11 December 1987, UNEP's Executive Director stated that the Perspective "... is guided by the recognition that environmental resources are the life-blood of socio-economic development, and that the state of the environment is a vital aspect of human well-being everywhere".

20. The Perspective notes in its paragraph 4 that "environmental problems cut across a range of policy issues and are mostly rooted in inappropriate development patterns. Consequently, environmental issues, goals and actions cannot be framed in isolation from the development and policy sectors from which they emanate." Throughout the Perspective, an attempt was made to reflect consistently the interdependent and integrated nature of environmental issues.

21. The Perspective in its paragraph 17 proposes that one of the major priorities and functions of UNEP should be "to provide leadership, advice, and guidance in the United Nations system on restoring, protecting, and improving the environmental basis for, and in general act as a catalyst in the promotion of, sustainable development."

22. By its decision 15/2, the Governing Council reaffirmed its commitment to promoting the philosophies and approaches laid down in the Perspective. In particular, it reported on progress in the implementation of General Assembly resolution 42/186 as well as of General Assembly resolution 42/187 of 11 December 1987 on the report of the World Commission on Environment and Development. The Governing Council noted that Governments have been and continue to be responsive to the resolutions, and expressed the hope that further progress towards implementing sustainable and environmentally sound development would be achieved. In annex II to decision 15/2, the Governing Council detailed its interpretation of sustainable development.

23. The United Nations System-Wide Medium-Term Environment Programme, 1990-1995, approved by UNEP's Governing Council in its decision SS.I/3 of 18 March 1988, and comprising all the environment-related efforts of the United Nations system planned for the period 1990-1995, states that "underlying all those efforts is the need to achieve sustainable development...". It notes that "the relationship between people and the environment is... the substance of and the justification for the environment programme." The Programme was "the result of a continuing process of collaborative review and evaluation of environmental issues, stimulated and coordinated by UNEP and involving all the components of the system."

3. Agenda 21

24. The United Nations Conference on Environment and Development held in June 1992 provided an opportunity, inter alia, to take stock of action taken since the Stockholm Conference. Nations had come to accept that it is not possible to maintain a healthy economy without action to arrest environmental degradation. While economic development cannot and should not be halted, it must be combined with preservation of the environment for present and future generations.

25. UNCED was a milestone event, since which environment and socioeconomic development can no longer be considered as isolated concepts. Agenda 21 represents the political consensus reached at UNCED, providing a blueprint for reconciling a sound economy with a high-quality environment. UNCED also marked a milestone for UNEP, with Agenda 21 reiterating its role and responsibility "as the principal body within the United Nations system in the field of the environment", confirming new dimensions for UNEP's activities, and placing its mandate within a context in which sustainable development is the key goal. Chapter 38, paragraph 21 stated that "in the follow-up to the Conference, there will be a need for an enhanced and strengthened role for UNEP and its Governing Council. The Governing Council should, within its mandate, continue to play its role with regard to policy guidance and coordination in the field of the environment, taking into account the development perspective".

26. Paragraph 22 of chapter 38 set the following priority areas on which UNEP should concentrate:

(a) Strengthening its catalytic role in stimulating and promoting environmental activities and considerations throughout the United Nations system;

(b) Promoting international cooperation in the field of environment and recommending, as appropriate, policies to this end;

(c) Developing and promoting the use of techniques such as natural resource accounting and environmental economics;

(d) Environmental monitoring and assessment, both through improved participation by the United Nations system agencies in the Earthwatch programme and expanded relations with private scientific and non-governmental research institutes; strengthening and making operational its early-warning function;

(e) Coordination and promotion of relevant scientific research with a view to providing a consolidated basis for decision-making;

(f) Dissemination of environmental information and data to Governments and to organs, programmes and organizations of the United Nations system;

(g) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions;

(h) Further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, inter alia, the functioning of the secretariats of the Conventions, taking into account the need for the most efficient use of resources, including possible co-location of secretariats established in the future;

(i) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out under the auspices of specialized agencies of the United Nations system, and in connection with every significant economic development project or activity;

(j) Facilitation of information exchange on environmentally sound technologies, including legal aspects, and provision of training;

(k) Promotion of subregional and regional cooperation and support to relevant initiatives and programmes for environmental protection, including playing a major contributing and coordinating role in the regional mechanisms in the field of environment identified for the follow-up to the Conference;

(l) Provision of technical, legal and institutional advice to Governments, upon request, in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;

(m) Support to Governments, upon request, and development agencies and organs in the integration of environmental aspects into their developmental policies and programmes, in particular through provision of environmental, technical and policy advice during programme formulation and implementation;

(n) Further developing assessment and assistance in cases of environmental emergencies.

27. In addition to chapter 38, directives are specifically given to UNEP or to UNEP in collaboration with others, in sixteen chapters of Agenda 21. Agenda 21 was endorsed by United Nations General Assembly resolution 47/19 of 22 December 1992.

28. The expectations placed upon and the tasks assigned to UNEP by the international community thus confirm UNEP's approach of positioning the environment in the broader context of sustainable development. UNEP's mandate is consistent with the conclusion that the environment cannot be viewed in isolation and needs to be managed within the integrated context of sustainable development. This approach was confirmed by the global community at UNCED.

B. UNEP and the Commission on Sustainable Development

1. Mandate subject-matter

29. One of the preliminary issues regarding potential overlap in the mandates of UNEP and CSD is whether the subject-matters of their mandates - environment and sustainable development respectively - have sufficient in common to incur overlap generally.

(a) UNEP's subject-matter mandate

30. Prior to UNCED, UNEP's Governing Council mandate was expressed with reference to "the field of the environment" and "environmental programmes". In comparison, Agenda 21 states that the UNEP Governing Council mandate applies "in the field of the environment, taking into account the development perspective" (para. 38.21). UNEP is stated to be "the principal body within the United Nations system in the field of environment" but must also "take into account the development aspects of environmental questions" (para. 38.23). Although UNCED did not formally intend to enlarge UNEP's mandate by such words, the need to pay sufficient attention to the development perspective was emphasized.

(b) CSD's subject-matter mandate

31. CSD is integrally concerned with Agenda 21, the driving principle of which is sustainable development. Sustainable development is concerned with the interface of environment and development issues. Therefore, to be concerned with sustainable development, by definition, involves matters of environment. Indeed, in defining CSD's functions, Agenda 21 specifically refers to issues of environment and development (chapter 38.13).

(c) Conclusion

32. In terms of subject matter mandate, there is overlap to the extent to which the CSD and UNEP mandates both deal with environment and development. Yet the overlap is not necessarily absolute. UNEP's main focus is on the environment. It is in that context that development must be taken into account. CSD is primarily concerned with sustainable development which focuses more broadly on the interface between environment and development issues and the integration thereof.

2. Functional roles

33. To examine potential overlap in the mandates of organizational entities, it is necessary not only to investigate commonalities in subject-matter mandate but also to analyse their functional roles.

34. The mandate of UNEP's Governing Council is to be found in General Assembly resolution 2997 (XXVII) and Agenda 21, paragraph 38.21. The major sources of the CSD mandate are Agenda 21, paragraph 38.13, Economic and Social Council decision 93/207 and General Assembly resolution 47/191 of 22 December 1992. In addition, the organizational bodies charged with supporting the Governing Council and CSD must be considered. UNEP's Executive Director, and the secretariat she heads, are required to provide substantive support to the Governing Council and to act under its guidance (General Assembly resolution 2997 (XXVII)). The Department for Policy Coordination and Sustainable Development (DPCSD) is, inter alia, charged with providing support for certain functions vested in the Economic and Social Council and its subsidiary bodies, including CSD (see A/47/753).

35. In order to consider the UNEP and CSD structures comprehensively in this way, the issues of overlap that arise are examined below:

(a) Coordination mandate

36. UNEP's functional mandate explicitly includes a coordination role. In particular:

- (i) General Assembly resolution 2997 (XXVII) stated, as one of the Governing Council's main functions and responsibilities, the provision of "general policy guidance for the ... coordination of environmental programmes within the United Nations system." UNEP's coordination role is also reflected in the mandate granted to the Executive Director and secretariat of UNEP by the same resolution. Under the guidance of the Governing Council, the Executive Director is "to coordinate ... environmental programmes within the United Nations system ... ;"
 - (ii) Agenda 21 reaffirms a coordinating role, stating that the Governing Council is to "continue to play its role with regard to ... coordination in the field of the environment, taking into account the development perspective" (para. 38.21). By virtue of this statement it is arguable that the Governing Council's coordination role is increased due to the expanded area of subject-matter concern, that is, to include the development perspective as it impacts on environment. Furthermore, Agenda 21 notes that the Governing Council's role (of which the coordination function is a constituent part) is to be "enhanced and strengthened" following UNCED;
 - (iii) Agenda 21 sets out, as a priority area on which UNEP should focus, the "further development of international environmental law, in particular ... coordinating functions arising from an increasing number of international legal agreements, inter alia, the functioning of the secretariats of the Conventions ..."
- (para. 38.22 (h)).

37. There are three potential points of overlap between the UNEP mandate and that of CSD:

- (i) Although the functions of CSD as listed in Agenda 21 focus largely on monitoring and review, the Commission has, by virtue of such tasks, a broadly interactive role with regard to the organizational and governmental entities involved with the implementation of Agenda 21. To monitor and review effectively requires wide-scale association with international organizations, including the United Nations. Furthermore, Agenda 21 states explicitly that "the Commission should provide for the active involvement of organs, programmes and organizations of the United Nations system" (para. 38.11);
- (ii) The issue of overlap is also raised by the mandate granted to DPCSD. As stated above, DPCSD is to provide support for CSD. Therefore, to the extent to which CSD has a coordinating role, it is arguable that so too does DPCSD. The central focus of DPCSD is: "the provision of support for central coordinating ... functions, vested in the Economic and Social Council and its subsidiary bodies, including the new Commission on Sustainable Development (see A/47/753);"
- (iii) The third possible point of overlap relates to the coordination of convention secretariats. Paragraph 38.13 (f) of Agenda 21 states that one of the functions CSD should have is "to consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant Conferences of Parties". General Assembly resolution 47/191 affirms this mandate, recommending that the Commission organize its work along lines which include the following: "Review of the implementation of Agenda 21 ... in accordance with ... the functions of the Commission, taking into account, where appropriate, information regarding progress in the implementation of relevant environmental conventions ...".

38. The above directives suggest some active involvement by CSD and DPCSD with regard to the convention secretariats and hence the issue of overlap arises. However, it should be noted that the focus of the involvement is somewhat different to that of UNEP. The authority of CSD and that of DPCSD, which stems from it by virtue of its support role, are for the purposes of review and monitoring. In contrast, UNEP's mandate regarding the coordination of convention secretariats is stated in the context of the "further development of international environmental law."

39. Decision I/8, adopted by the first meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Nassau (Bahamas) from 28 November - 9 December 1994, illustrates, however, the potential for CSD's mandate to evolve with reference to specific subject areas. In the annex to that decision, containing the Statement from the Conference of the Parties to the Convention on Biological Diversity to the Commission on Sustainable Development at its Third Session, paragraph 7 notes the importance attached by the Conference to "the development of a substantive relationship with the Commission on Sustainable Development ..." and in paragraph 8 "appeals to the Commission on Sustainable Development to make all efforts in its own right to advance the concerns of the Convention on Biological Diversity."

(b) Policy mandate

40. UNEP's functional mandate explicitly includes a policy role. Specifically:

- (i) In 1972 the General Assembly, in its resolution 2997 (XXVII), set out among the main functions and responsibilities of the UNEP Governing Council, the recommendation, as appropriate, of policies to promote international cooperation and the provision of general policy guidance for the direction and coordination of environmental programmes within the United Nations system. Agenda 21 reaffirms this role. Specifically, "the Governing Council should, within its mandate, continue to play its role with regard to policy guidance ... taking into account the development perspective" (para. 38.21). As noted above, with regard to coordination, the expansion in subject-matter concerns, that is, to include the development perspective as it impacts on environment, arguably increases the functional (i.e. policy) mandate. And Agenda 21 notes that the Governing Council role (of which the policy function is a constituent part) is to be "enhanced and strengthened" following UNCED;
- (ii) UNEP's policy role is further detailed in the priority areas laid down by Agenda 21 for UNEP. One such area restates General Assembly resolution 2997 (XXVII), namely, the recommendation, as appropriate, of policies to promote international cooperation. Another relevant priority area is the provision of environmental policy advice to governments upon request and to development agencies and organs during programme formulation and implementation (para. 38.22 (m)).

41. There are two potential points of overlap between the UNEP mandate and the mandate of the CSD structure:

- (i) CSD is granted a mandate somewhat analogous to a policy advisory role. Paragraph 38.13 (g) of Agenda 21 states that it should be a function of CSD "to provide appropriate recommendations to the General Assembly through the Economic and Social Council on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21". Some mitigating factors should, however, be noted. First, one of the main bases for CSD's recommendations is the reports it collects from Governments, non-governmental organizations, etc. In comparison, UNEP's policy role must be seen in the context of its substantive mandate, in particular, its scientific and technical roles (e.g. environmental monitoring and assessment). Secondly, the CSD recommendations are to be solely concerned with the implementation of Agenda 21, whereas UNEP's policy role has a more general scope, in terms of both subject matter and the recipients of its advice;
- (ii) The DPCSD mandate also has potential overlap. As noted above, the DPCSD mandate is to provide support for certain elements of the Economic and Social Council, including CSD. And DPCSD's central focus is: "the provision of support for central ... policy-making functions, vested in the Economic and Social Council and its subsidiary bodies, including the new Commission on Sustainable Development (see A/47/753)".

(c) Monitoring and review mandate

42. Agenda 21 grants the CSD a clear mandate to monitor and review. Paragraph 38.13 of Agenda 21 states that it should be a function of CSD "to monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals throughout the United Nations system..."; "to review the progress in the implementation of the commitments contained in Agenda 21 ..."; "to consider information provided by Governments..."; "to receive and, analyse relevant input from competent non-governmental organizations..."; "to consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant Conferences of Parties". It is DPCSD's role to support CSD. DPCSD is considered to provide "a 'clearly

identifiable entity', as called for in the draft resolution on the follow-up to the Conference, for monitoring the implementation of Agenda 21 ..."
(A/47/753, para. 8).

43. UNEP's mandate, as laid down in General Assembly resolution 2997 (XXVII), is suggestive of some overlap with that of DPCSD. Specifically, UNEP's Executive Director (heading the secretariat) is to keep the implementation of environmental programmes within the United Nations system under review and to assess their effectiveness (para. 2 (b)).

44. Points of overlap occurring in this context are related to the issue of subject matter mandate as discussed in paragraphs 29-32 above. As noted, however, the overlap is not necessarily absolute.

C. UNEP and the Inter-Agency Committee on Sustainable Development (IACSD)

45. A further post-UNCED institution which raises issues of UNEP's mandate and status is the Inter-Agency Committee on Sustainable Development (IACSD).

46. In paragraph 38.16 of Agenda 21, the Administrative Committee on Coordination (ACC)⁷ was designated as the high-level inter-agency coordination mechanism to ensure effective monitoring, coordination and supervision of the involvement of the United Nations system in the follow-up to UNCED. On the recommendation of the ACC task force created pursuant to paragraph 38.17 of Agenda 21, ACC established IACSD (see ACC/1992/32).

47. As articulated by ACC, IACSD forms part of a three-tier machinery to coordinate the United Nations system's follow-up to UNCED. This machinery comprises:

- ACC itself, operating as a high-level inter-agency coordination mechanism for policy decision-making;
- ACC subsidiary machinery and other inter-agency coordination arrangements to ensure complementarity and synergy in the implementation of Agenda 21 at the technical, working level;
- IACSD, as an intermediate level between coordination of technical work and ACC substantive decision-making, with a view to enhancing ACC decision-making, reporting and effectiveness of relevant inter-agency coordination arrangements (ACC/1992/32, para. 10).

48. ACC adopted the following terms of reference for IACSD:

"Under the aegis of ACC, to identify major policy issues relating to the follow-up of the United Nations Conference on Environment and Development by the United Nations system and advise ACC on ways and means of addressing them so as to ensure effective cooperation and coordination of the United Nations system in the implementation of Agenda 21. To this effect IACSD would:

- (a) In the light of the guidance and instructions received from ACC, examine information regarding the implementation of Agenda 21 provided by the United Nations system organizations, relevant subsidiary bodies of ACC and non-ACC coordinating bodies, and identify for ACC overall policy issues, major gaps and constraints affecting United Nations system cooperation in the Conference follow-up;

⁷ ACC is a committee of executive heads which meets under the chairmanship of the Secretary-General, with the participation of various United Nations programmes, to ensure the coordination of the programmes entrusted to them and to promote close cooperation within the system (ACC/1993/14, para. 6).

(b) Formulate, for consideration and decision by ACC, recommendations to enhance the effectiveness of cooperation and coordination within the United Nations system in the implementation of Agenda 21;

(c) On the basis of (a) and (b) above, prepare brief reports identifying issues and making recommendations on overall policy and coordination, for decision by ACC. These reports should be prepared in such a way as to provide a basis for subsequent reports of ACC to the relevant intergovernmental bodies (as required by paragraph 38.17 of Agenda 21);

(d) Perform other tasks as required by ACC including, where appropriate, monitoring follow-up of relevant ACC decisions" (ACC/1992/32).

1. UNEP's relationship with ACC

49. One issue raised by the establishment of IACSD is its impact on UNEP's relationship with ACC. It could be argued that ACC has delegated responsibility to IACSD for dealing, on a preliminary basis, with matters of sustainable development and that UNEP must therefore deal with ACC through IACSD. This has particular relevance with regard to the annual report provided by ACC to the UNEP Governing Council and for which the Executive Director provides the preparatory work.⁻⁻⁻ In this specific context, the question is whether the Executive Director must first communicate the preparatory work for ACC's report to IACSD.

2. Evolution of IACSD's role

50. The evolution of IACSD's role raises the possibility of duplicative work by UNEP and IACSD. This issue is particularly highlighted by the functions of the task managers designated by IACSD to assist in the preparation of its substantive work. At its most recent session (New York, 1-3 February 1995), IACSD acknowledged the important role of the task manager concept:

"37. In the meanwhile, it was agreed that the concept of a task manager, as it evolved over the past two years, proved to be an effective mechanism to meet the demands related to the functioning of the IACSD and CSD and needs to be strengthened and expressed more clearly. The focus in the activities of the Task Managers should shift from coordination of reporting towards a primary role in strategy development and promotion and coordination of joint action.

38. In this context, it was felt that in the future task managers should pursue the coordination of Agenda 21 system-wide activities ..." (ACC/1995/3, advanced unedited version including later additions).

51. The potential for duplication arises in connection with the UNEP Executive Director's mandate to coordinate environmental programmes within the United Nations system (General Assembly resolution 2997 (XXVII), paragraphs 36-39 above). It may be noted that, with a view to the effective performance of that role, the Executive Director is currently exploring the need for an inter-agency environment group.

⁻⁻⁻ General Assembly resolution 2997 (XXVII) provided for the establishment of the Environment Coordination Board (ECB), under the auspices and within the framework of ACC. ECB was charged with ensuring cooperation and coordination among all bodies concerned in the implementation of environmental programmes and was required to report annually to UNEP's Governing Council. Pursuant to General Assembly resolution 32/197 of 20 December 1977, ECB was merged with ACC; ACC took over ECB functions including the annual report to the UNEP Governing Council. The Executive Director of UNEP assumed responsibility for the preparatory process for the discharge by ACC of such functions (GC/1/1978, II (7)).

D. Implications for UNEP

52. In 1972, UNEP was mandated to assess the state of the world environment, provide policy guidance, coordinate environmental activities within the United Nations system and to catalyse environmental protection throughout the world. UNCED confirmed that UNEP, within its mandate, should continue to play

its role with regard to policy guidance and coordination, while at the same time strengthening its catalytic role in stimulating and promoting environmental activities and considerations throughout the United Nations system.

53. As protecting the environment implies promoting sustainable development, UNEP has a responsibility to promote and catalyse action encompassing all aspects of sustainability. These aspects range from poverty alleviation to nature protection, social integration to economically sustainable growth, primary environmental care to macroeconomic and global assessments, and to cooperation. While living up to its catalytic mandate, UNEP must also avoid duplication of work. It must appreciate resource constraints. As the sole custodian of the world's physical environment, UNEP should therefore set and address priorities consistent with its basic mission to ensure that governments and international organizations integrate care for the physical environment into their policies and programmes.

54. Priority-setting implies focusing on major threats to the environment. In doing so, UNEP needs to highlight the relationships between socio-economic forces, changes in the physical environment and impacts on human well-being. Assessment reports and policy recommendations must focus on changes in the physical environment while also addressing underlying causes and interrelationships and impacts on human well-being. In catalysing action, UNEP must encompass address remedial action but also focus on prevention, which will involve considerations of economic interdependence, social systems and technologies.
